

Amendments to the Claims:

Claim 4 (currently amended) A composition comprising an isolated and purified An antibody that binds specifically to a capable of binding to an epitope present in the peptide having comprising SEQ ID NO.: 69.

BEST AVAILABLE COPY

Response

Claim 4 is pending in the application. Applicants have amended claim 4 in order to define more clearly that which Applicants regard as their invention. Support for the amendment to claim 4 can be found, e.g., in the specification at pp. 19-21 and claim 4 as originally filed. No new matter has been added.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 4 has been rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. (Office Action, p. 1). The Examiner asked the Applicants to clearly set forth the salient characteristics and features of the claimed antibody, for example, does it bind specifically to the peptide having SEQ ID NO.:69 or does it recognize other epitopes outside of this region.

Without acquiescing in the rejection but in the spirit of cooperation, Applicants have amended claim 4 to recite "A composition comprising an isolated and purified antibody that binds specifically to a peptide comprising SEQ ID NO. 69." Applicants respectfully remind the Examiner that the peptide with SEQ ID NO.: 69 does not correspond to any known naturally occurring group O variant. Therefore the antibody will be specific and only bind to an epitope within this peptide sequence. There are no other epitopes in any other HIV-encoded protein that are the same as the one(s) contained within this peptide sequence. Furthermore, Applicants believe that no other functional characteristics are necessary to point out and distinctly claim the invention.

However, Applicants believe that the claim language preceding the term "SEQ ID NO.: 69" should be open (comprising) and not closed (consisting of), as suggested by the Examiner. As long as the peptide disclosed is

BEST AVAILABLE COPY

presented, the claimed antibody will bind to it. Therefore, a sequence containing the disclosed peptide would still bind the claimed antibody. As stated above, because the disclosed peptide is an artificial construct, it will not be found in another region of the HIV virus. However, for example, if one takes the disclosed peptide and adds amino acids to either end of it, the claimed antibody will still detect the new construct by binding the epitope in the disclosed peptide sequence. Such an antibody would fall within the scope of Applicants' claimed invention.

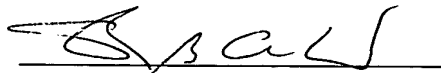
Therefore, Applicants respectfully request that this rejection be withdrawn.

Entry of the foregoing amendment is respectfully requested because the amendment is believed to place the application in condition for allowance or, in the alternative, in better condition for appeal.

In view of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance. Accordingly, Applicants respectfully request allowance of the pending claims.

If any other fees are due in connection with the filing of the subject Amendment, authorization is hereby given to charge the amount of such fee to Deposit Account No. 10-0750/CDS-0222/SBA in the name of Johnson & Johnson.

Respectfully submitted,



Stacey B. Antar
Reg. No. 39,595

JOHNSON & JOHNSON
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
Telephone: (732) 524-2824
Facsimile: (732) 524-5866
Date: December 2, 2003

BEST AVAILABLE COPY